

REMARKS

A telephone interview was held between Examiner McKane, Randall B. Bateman, and Brett Peterson on November 2, 2005 to discuss the application of the cited prior art to the claims, and to discuss the recently submitted amendment.

The Barnhart reference was discussed. Applicant submitted that a significant purpose of Barnhart was to provide a fragrance emitter which does not spill molten wax if knocked over or bumped, and that modification of Barnhart to achieve Applicant's invention was inappropriate as it would eliminate this significant purpose of the Barnhart invention. No specific agreement was reached regarding the Barnhart reference.

The Andeweg reference was also discussed. Applicant's counsel and the Examiner agreed that placement of the Andeweg device on a heating surface was not appropriate. Andeweg teaches a candle having a decorative light inside of the candle, and placement on a heater would melt the candle and ruin the device.

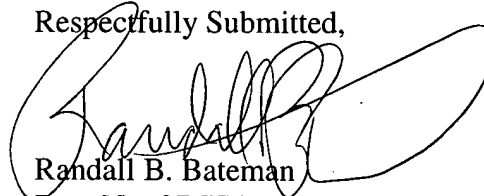
The Examiner noted Applicant's declarations swearing behind the Nacouzi reference.

The Examiner indicated that she had not yet had sufficient time to review the amendment to proceed with a more detailed discussion of the claims, but indicated a willingness to call Applicant's counsel to resolve any concerns when she further reviewed the amendment.

Applicant believes that no fee is necessary with the above statement. The Commissioner is hereby authorized to debit any amount owing or credit any overpayment to Deposit Account No. 50-2720.

Should the Examiner have any questions or concerns regarding the previous amendment, it is requested that she contact Applicant's counsel, Randall B. Bateman, at (801) 533-0320 to discuss any concerns.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Randall B. Bateman", written over a large, stylized, loopy flourish that extends to the right.

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